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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,057	09/30/2003	Jeyhan Karaoguz	14285US02	5837
23446 7590 11/15/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
MENDOZA JR, JORGE				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/675,057

**Applicant(s)**

KARAOGUZ ET AL.

**Examiner**

Jorge Mendoza

**Art Unit**

4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims **1-31** are presented for Examination.

### ***Priority***

2. A reference to the prior application No. 60/432,472, filed on Dec. 11, 2002; application No. 60/443,894, filed on Jan. 30, 2003; application No. 60/457,179, filed on March 25, 2003; and application No. 60/445,925, filed on Feb. 6, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (Attorney Docket No.14185 & Attorney Docket No.14274) are disclosed in paragraph [02] and incorporated reference (Attorney Docket No.14276) is disclosed in paragraph [53] of the specification.

***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification, according to paragraph [96], does not clearly or distinctly define the characteristics of each of the claimed processors of Claim 31, which states 'a media processing system processor, a media management system processor, a computer processor, media exchange software platform processor, and a media peripheral processor'. Due to the fact that no further disclosure is provided as to the distinctness of each claimed processor of Claim 31, each claimed processor will be treated as indistinguishable and the broadest reasonable interpretation of a processor will be applied in the interpretation of Claim 31.

5. The disclosure is objected to because of the following informalities: The Serial Numbers (US Patent Application Numbers) are missing in paragraph [02] of the Incorporated by Reference section and paragraph [53] of the specification. Appropriate correction is required.

***Drawings***

6. The drawings are objected to because reference character 'C' of Figure 5 is labeling an incorrect location as mentioned in the specification. According to paragraph [75] of the specification, reference character 'C' should be labeling the portion of Figure 5 where 'the first party 501 accesses the third-party channel 504 using a media guide user interface 502 on a PC 503'. Corrected drawing sheets in compliance with 37 CFR

Art Unit: 4126

1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wood et al.** (US PG Pub **2002/0054752**) in view of **Novak** (US Pat No. **7,103,905**).

With respect to Claim 1, the claimed "creating a channel guide for a new channel that supports communication of media called a media channel" is met by Wood et al. that teach the recording of select media programs and the creation of channel listings, of these 'personal channels', on a channel guide for the organization of the recorded programs (Abstract; paragraphs [0010], [0039], [0059], [0061]; and Fig.10).

The claimed "populating said channel guide for said new media channel with information identifying mixed media content" is met in part by Wood et al. that teach the creation of channel listings of recorded programs and the use of the channel guide information corresponding to these programs (paragraphs [0059] & [0064]). The Wood et al. reference does not explicitly teach the use of media from another source other than that of broadcast media. However, in the same field of endeavor, Novak teaches the creation of channels containing personal media content from a provider (upload source 122) that will be provided to an end subscriber (set top box 152 & television 154) in a similar way as that of broadcast media, with the addition of a synthetic channel listing, containing schedule & program information, in their program guide (Abstract; col.2, lines 9-14; col. 3, lines 40-45; col. 6,a lines 51-55; col. 7, lines 16-21; col.10, lines 56-67; col.11, lines 60-64; col. 12, lines 10-26, lines 39-58; & Figs.1,2,8,& 9).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the creation of channel listings for the organization of recorded broadcast media, as taught by the Wood et al. reference, with a system allowing a user to receive personal media in the same manner as broadcast media in order to provide a user a more complete and enjoyable television viewing experience. A person of ordinary skill in the art would have been motivated to make such a modification to the Wood et

al. reference in order to permit the creation of a media channel containing not only regular broadcast media, but also personal media.

With respect to the claimed "at least one of: displaying said information identifying said mixed media content within said channel guide; and communicating said mixed media content via said new media channel" is met by Wood et al. that teach the displaying of the personal channel content by way of an EPG (paragraph [0061], [0064] & Fig.10).

With respect to Claim 2, the claimed "wherein said mixed media content comprises at least one personal media content and at least one broadcast media content" is met as previously discussed with respect to Claim 1 above.

With respect to Claim 3, the claimed "receiving said at least one broadcast media content from at least one third (3<sup>rd</sup>) party broadcaster" is met by Wood et al. that teach the recording of broadcast media content from a 3<sup>rd</sup> party broadcaster (Figs.7-10, paragraph 0032).

With respect to Claim 4, the claimed "storing said received at least one broadcast media content" is met by Wood et al. that teach the use of video storage 105 in storing media programs (paragraphs [0028] & [0029]).

With respect to Claim 5, the claimed "linking said stored at least one broadcast media content to a portion of said information identifying said mixed media content which corresponds to said at least one broadcast media content" is met by Wood et al. that teach the use of an EPG in listing information related to recorded media programs scheduled for viewing (Fig.10, paragraph [0061] & [0064]).

With respect to Claim **6**, the claimed “storing at least a portion of said at least one personal media content” is met by Wood et al. that teach the use of video storage **105** in storing media programs (paragraphs [0028] & [0029]).

With respect to Claim **7**, the claimed “identifying said at least said one personal media content” is met by Wood et al. that teach the recording of metadata associated with the recorded media program, from the channel guide, so that the user may easily identify the recorded show (paragraph [0040]).

With respect to Claim **8**, the claimed “ associating said identified at least one personal media content with a portion of said information identifying said mixed media content which corresponds to said at least one personal media content” is met by Wood et al. that teach the use of an EPG in listing information related to recorded media programs scheduled for viewing (Fig.10, paragraph [0061] & [0064]).

With respect to Claim **9**, the claimed “scheduling within said created channel guide, at least one of said at least one personal media content and said at least one broadcast media content for presentation” is met by Wood et al. that teach the scheduling of the recorded media programs for viewing on a ‘personal channel’ (paragraphs [0059], [0061], [0067]; & Fig.10).

With respect to Claim **10**, the claimed “assigning at least a date and a time within said created channel guide for said presentation of said at least one personal media content and said at least one broadcast media content” is met by Wood et al. that teach the use of an EPG in listing ‘personal channels’ with recorded media programs, where the EPG is capable of assigning a date and a time to the channel listings (Fig.10 and paragraph [0061]).



Claim 11 is met as previously discussed with respect to Claim 1.

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 16 is met as previously discussed with respect to Claim 6.

Claim 17 is met as previously discussed with respect to Claim 7.

Claim 18 is met as previously discussed with respect to Claim 8.

Claim 19 is met as previously discussed with respect to Claim 9.

Claim 20 is met as previously discussed with respect to Claim 10.

Claim 21 is met as previously discussed with respect to Claim 1. In addition, Wood et al. teaches the use of processor 101 in a video data recorder, which enables the recording of media programs and the creation of 'personal channels' (Fig.1; paragraph [0010] & [0024]).

Claim 22 is met as previously discussed with respect to Claim 2.

Claim 23 is met as previously discussed with respect to Claim 3.

Claim 24 is met as previously discussed with respect to Claim 4.

Claim 25 is met as previously discussed with respect to Claim 5.

Claim 26 is met as previously discussed with respect to Claim 6.

Claim 27 is met as previously discussed with respect to Claim 7.

Claim 28 is met as previously discussed with respect to Claim 8.

Art Unit: 4126

Claim **29** is met as previously discussed with respect to Claim 9.

Claim **30** is met as previously discussed with respect to Claim 10.

With respect to claim **31**, the claimed “wherein said processor is at least one of a media processing system processor, a media management system processor, a computer processor, media exchange software platform processor and a media peripheral processor” is met by Wood et al. that teach the use of processor **101** in a personal video recorder (Fig.1; paragraphs [0010] & [0024]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Thomas et al.** (US Patent Application Publication **US 2002/0059621**) teaches the storage, retrieval, & manipulation of personal media & on-demand media content stored on a remote server network.

Art Unit: 4126

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 8660217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Jorge Mendoza/  
Examiner, Art Unit 4126  
/ J. M. /**

**/Dennis-Doon Chow/**

**Supervisory Patent Examiner, Art Unit 4126**